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**MINUTES
TO BE
APPROVED**

**MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING**

Wednesday, July 30, 2014

6:00 p.m.

**Council Chambers
8000 South Redwood Road
West Jordan, Utah 84088**

COUNCIL: Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, Chad Nichols, and Justin D. Stoker. Council Member Ben Southworth was excused.

STAFF: Jeff Robinson, City Attorney; Melanie Briggs, City Clerk; Jeremy Olsen, Assistant to the City Manager; David Oka, Economic Development Director; Tom Burdett, Development Director; Ryan Bradshaw, Finance Manager/Controller; Marc McElreath, Fire Chief; Wendell Rigby, Public Works Director, Doug Diamond, Police Chief, and Jon Gardner, Human Resources Manager.

I. CALL TO ORDER

Mayor Rolfe called the meeting to order at 5:00 p.m.

II. CLOSED SESSION

**DISCUSS THE SALE, LEASE, OR PURCHASE OF REAL PROPERTY
AND PENDING OR IMMINENT LITIGATION**

COUNCIL: Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, Chad Nichols and Justin D. Stoker. Council Member Ben Southworth was excused.

STAFF: Jeff Robinson, City Attorney, and David Clemence, Real Property Agent.

MOTION: Councilmember Haaga moved to go into a Closed Session to discuss the sale, lease, or purchase of real property and pending or imminent litigation. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Absent
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

The Council convened into a Closed Session to discuss pending or imminent litigation at 5:00 p.m., and recessed the Closed Session at 5:57 p.m.

The meeting reconvened at 6:05 p.m.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nathan Cooley from Troop 145.

IV. COMMUNICATIONS

CITY MANAGER COMMENTS/REPORTS

Jeffrey Robinson—

- Was present in the absence of both the City Manager and the Assistant City Manager
- Explained that a job posting would be issued shortly due to the recent resignation of a legal assistant in his department.

STAFF COMMENTS/REPORTS

David Oka-

- Mentioned that in the brief time he had been with the City he had contacted approximately one dozen developers and brokers, all of whom expressed interest in doing business with West Jordan.

Tom Burdett--

- Was in the process of selecting a date for a joint mobile workshop in order to discuss the quality of development standards. It was to involve some site visits to multi-family developments within the City. He asked that the Council look at their schedules to possibly meet on either September 20 or 27—both Saturday mornings. He indicated they would all be contacted about a date soon via email.

Ryan Bradshaw-

- Explained that he, Dave Zobell, and Roger Payne recently represented the City at the bond rating presentation regarding the South Valley Water Reclamation facility bond issue. The presentation went well and the City was waiting for Standard and Poor's to return a rating but an early quote was for 20% less than what had been anticipated which would increase the cost savings for the City. More information on the re-issuance of the bond was to be presented at the next City Council meeting.

Mayor Rolfe inquired as to the City's ownership percentage of the District. Mr. Bradshaw explained that the City's ownership is approximately 35%, but that the ownership in the bond itself was approximately 88%.

Wendell Rigby-

- Explained that an e-waste and paper shredding event was to take place the following Saturday behind Fire Station #52 from 10 a.m. to Noon.

Marc McElreath-

- On Oct 12 between 1am and 4am the Fire and Police Departments planned to partner with UTA and conduct a drill involving a Trax train accident at the Gardner Village station. More information would be forthcoming.
- On August 14, the Fire Department planned to hold an annual barbecue at the Veteran's Memorial Park. Invitations were to be sent in the near future.
- On August 23, Mayor Rolfe and Council Member Haaga were scheduled to participate in the Fire Ops 101 course.

Doug Diamond-

- Reminded the Council that the 'National Night Out Against Crime' was scheduled to take place the following Tuesday, August 5, beginning at 6:15 p.m. at City Hall which, among other things, would showcase the Police Department's new command post vehicle.
- New K-9 Officer Chance did not work out for the City. No funds were expended to test him out, and the City was again on the search for a new K-9 officer.
- The U.S. Department of Justice approved the JAG grant that was discussed in a recent public hearing involving a three-dimensional imaging system. That system was expected to be purchased in the next few months.
- On August 14 at 11:30 a.m., there would be a graduation ceremony at POST for two of the Department's new recruits.
- Officer Jody Wright who has been battling breast cancer is doing well and is back to full duty.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Stoker-

- Welcomed Scouts from his neighborhood to the meeting. He also sang the praises of the Fire Department and their ability to host a successful barbecue.

Councilmember Haaga-

- Rio Tinto had extended an invitation to the Council to tour Barney's Canyon and the adjoining facility. This would take place on August 11 at 8am beginning at the Daybreak Rio Tinto office building. Some management staff would also be attending.

V. CITIZEN COMMENT

- Mike Kellermeyer, a West Jordan resident, spoke in favor of the Council approving Business Item 7c, so that the citizens could choose the form of government for themselves.
- Gary Eastman, a West Jordan resident, stated that when the Trax system arrived in West Jordan, a sound wall was put up along 9000 South. However, he lived next to a train track near 4400 West, and that a freight train stopped there between midnight and 5 a.m. to switch out cars, sometimes for as long as 45 minutes. Mr. Eastman wanted to know why a sound wall was not put up in this area as well, and why the issue was never discussed during the initial plans for the system. He indicated his calls had been passed around between various City staffers, UTA and the individual who leased the line from UTA, and had not been given any assistance on this issue.
- Janice Voorhies, a West Jordan resident specifically identified herself as the Secretary of the Jordan School District Board of Education. She indicated that she was representing President Richard Osborn who was ill and unable to address the Council himself. Ms. Voorhies informed the Council that on the previous Monday, the Board had voted unanimously to sign the Memorandum of Understanding with the City about the relocation of the Auxiliary Services building. Additionally, she indicated that language for the Interlocal agreement between the School District and local cities, including West Jordan had been agreed upon. According to Ms. Voorhies, the majority of the school board was in favor of signing the agreement once it was finalized.
- Karen Shafer, a West Jordan resident, spoke in favor of allowing the citizens to vote on whether or not the City's form of government should be changed.
- Zach Jacob, a West Jordan resident, indicated that although he believed that a discussion of whether or not to change the form of government in West Jordan would be appropriate, he spoke in opposition to approving the Resolution as it was currently written. Mr. Jacob felt that: 1) paragraph three of the Resolution was in conflict with current Utah Code; 2) it would not be appropriate to cut Mayor Rolfe's term to two-years since he was elected to a four-year term, and 3) it was erroneous to say that because last years' Council voted to codify the Mayor's position to full-time, it could therefore be assumed that they also wished to change the form of government. Mr. Jacob stated that in fact the Council had merely codified what had already taken place— it made what had become a full-time job *officially* a full-time job.
- Melissa Worthen of the West Jordan Chamber of Commerce spoke in favor of the Council renewing the City's contract with that entity. She pointed out the value of the Chamber within the West Jordan community.

There was no one else who wished to speak.

MOTION: Council Member Hansen moved to have the Council address Business Item 7d prior to addressing the Consent items. The motion was seconded by Council Member Haaga.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Absent
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

BUSINESS ITEM 7d

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 14-143, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE JORDAN SCHOOL DISTRICT, CITY OF BLUFFDALE, HERRIMAN CITY, RIVERTON CITY, CITY OF SOUTH JORDAN, CITY OF WEST JORDAN AND UNINCORPORATED PORTIONS OF SALT LAKE COUNTY.

Mayor Rolfe explained that there had been some previous discussions among the Jordan School District and Board as well as some of the other entities listed above, and the Council had heard from a Board Member that they (the Board) are ready to ratify this Interlocal agreement.

MOTION: Council Member Nichols moved to approve Resolution 14-143. The motion was seconded by Council Member McConnehey.

A roll call vote was taken.

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Absent
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

VI. CONSENT ITEMS

- 6.a. Approve the minutes of July 9, 2014**
- 6.b. Approve Resolution 14-132, amending the Fiscal Year 2014-2015 Salary Schedule**
- 6.c. Approve Resolution 14-133, amending the Uniform Fee Schedule for Fiscal Year 2014-2015**
- 6.d. Approve Resolution 14-134, calling for the Repeal or Modification of the New Automobile Franchise Act of 1991**
- 6.e. Approve Resolution 14-135, authorizing the Mayor to execute a contract with Foxley, & Pignanelli for lobbying services**
- 6.f. Approve Resolution 14-136, declaring items from various City Departments that are no longer of any value or use as surplus property, and authorize the disposition**
- 6.g. Approve Resolution 14-137, authorizing the Mayor to execute a Reimbursement Agreement with Peterson Development, LLC, for the Three Forks Phase 7 Subdivision**
- 6.h. Approve Resolution 14-138, authorizing the Mayor to execute Local Government Contract between the UDOT, West Jordan City and PEC for pre-construction engineering services, for the reconstruction of 9000 South from 4800 West to 5300 West project, in an amount not to exceed \$118,374.84**
- 6.i. Approve Ordinance 14-26, amending the 2009 West Jordan City Code Title 8, Chapter 3, Article C, Section 5, 'Public Works, Public Ways and Property,' regarding Letters of Credit**
- 6.j. Approve Resolution 14-139, authorizing staff to approve the road closure plan allowing a three week roadway closure on 1300 West from 8040 South to 8120 South to accommodate 24 inch gas line replacement of existing 20 inch high pressure gas line by Questar Gas**
- 6.k. Approve Resolution 14-140, authorizing the selection of Better City; and direct staff to prepare a contract with authorization for the Mayor to execute a contract with Better City to provide economic development services**

The Council pulled Consent Item 6b for discussion.

MOTION: Councilmember Nichols moved to approve Consent Items 6.a. through 6.k with the exception of 6.b. The motion was seconded by Councilmember Stoker.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Absent
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

VII. BUSINESS ITEMS

DISCUSSION AND POSSIBLE ACTION REGARDING A CENTRAL IRRIGATION SYSTEM

Brian Clegg stated that the current central control irrigation system, Motorola MIR 5000, was installed in 1992. The population of West Jordan had increased over 238% since 1992 and the acres of city owned landscaped properties had increased substantially.

The current system was 22 years old and staff regularly experienced radio communication problems between the existing system and the field controllers. Due to the age of the system there were a limited amount of repair and replacement parts available, parts were often located outside of the United States causing a long delay in the repair process. The current Motorola system was currently not operational which in turn made it difficult to manage an irrigation system of our size.

A consultant, AECOM, was hired by the city in 2011 to compile an Irrigation Central Control Master Plan by comparing six different central irrigation systems that best fit our needs. As per the Master Plan the Calsense system was selected and tested. Staff had moved forward in replacing existing controllers with the Calsense system as the Motorola controllers quit functioning. New developments were also required to install the Calsense system on property that would be the city's responsibility to maintain. Staff had been pleased with the operation and functionality of the Calsense system and its ease of use for the operator.

The purchasing department had solicited a Request for Proposal (RFP) for a qualified irrigation design firm with expertise in Calsense Central Control Systems to provide a

complete central irrigation design for the City's Parks, Streetscapes and Medians along with construction administration. Once the design was completed the implementation would be completed in phases.

Estimated implementation cost for the Calsense Irrigation System was \$1,538,261 as per the 2011 Central Irrigation Master Plan. Funds were budgeted in current fiscal year.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 14-141, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT RENEWAL WITH THE CHAMBER OF COMMERCE FOR MEMBERSHIP AND SERVICES FOR FISCAL YEAR 2014-2015.

The City and West Jordan Chamber of Commerce had worked closely together for a number of years. This had included financial support by the City in exchange for membership status and the ability to attend Chamber meetings and functions.

This was a standard contract renewal for the 2014-15 budget year.

Regarding the fiscal impact, Section 5.c of the contract identified "48,000 less the membership and enhanced membership fees"

Staff recommended that the Council authorize the contract if it intended to support the continued operation of the organization.

Councilmember Stoker commented on the value of the Chamber of Commerce despite some recent challenges. He expressed his support of the re-authorization of their contract with the City.

Mayor Rolfe indicated he had been a long-time member of the Chamber, and felt it is a valuable part of the West Jordan community. He explained that while he wished to renew the contract, he was concerned with the fact that it appeared that it was outdated, and hoped there would be a motion to take the 90 days allowed in the contract to review and make appropriate changes.

Jeffrey Robinson clarified that the contract was terminated in June, which means that the 90 days referred to in the contract had already expired. He further stated that if it was the Council's intention to continue to make payments to the Chamber, someone must make a motion to act as though the contract was still in place, but then negotiate a revised version of the contract.

MOTION: Councilmember Stoker moved to verbally extend the contract with the Chamber of Commerce for membership and services for Fiscal Year 2014-2015 through September 30, 2014 (including appropriate monthly payments) and prior to that date, to update the language of the contract. Councilmember Haaga seconded the motion.

A roll call vote was taken.

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Absent
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 14-142, AUTHORIZING A BALLOT MEASURE TO CHANGE THE FORM OF GOVERNMENT TO A COUNCIL-MAYOR FORM, WITH SEVEN-MEMBER COUNCIL, AND APPROVE BALLOT LANGUAGE TO BE INCLUDED ON THE BALLOT IN THE NOVEMBER 2014 GENERAL ELECTION.

Councilmember Haaga stated that in 2013, the West Jordan City Council voted to create the position of the Mayor as full-time with salary and benefits. West Jordan City currently had the Council-Manager form of government, consisting of a 7-member Council which included the Mayor as a voting member.

With the growth of West Jordan having an active Mayor engaged with businesses and residents with the authority to act as the Chief Executive Officer of the City. Residents wanted our government to be responsive but at the same time have the checks of a strong City Council with authority to keep in check the executive branch the Mayor balanced.

Compared to all but one City in Utah, all large cities similar to West Jordan had the Council-Mayor form of government with either five or seven member Council.

If approved this resolution would only bring to a vote the question to the resident and would not take effect until January 2016 after the Municipal elections. This action put into effect the action taken by the City Council in 2013, with their desire to create a Full-Time Mayor. However, this was the proper way allowing as prescribed in Utah State Code to place a ballot measure on the General Election and allowed the voters of the City to approve the change.

MOTION: Councilmember Haaga moved to approve Resolution 14-142, authorizing a ballot measure to change the form of government to a Council-Mayor form, with seven-member Council and approve ballot language to be included on the ballot in the November 2014 General Election. The motion was seconded by Mayor Rolfe.

Council Member Nichols spoke against the motion, indicating that it was primarily because he was against the Council-Mayor form of government. He stated that he had heard many citizens express the desire to have government run more like a business and that the City's *current* form of government (Council-Manager) most closely resembles that of a business. However, he said that after four and one half years on the Council, he has had only one constituent (other than Council Member Haaga) express a desire for the Council-Mayor form of government.

Council Member Nichol continued by saying that with Council-Manager, the "CEO" of the City (the City Manager) can be changed at any time if it is determined that such a change is warranted. However, he pointed out that if a "strong" Mayor was in charge, such an opportunity is available only every four years. Also, in the Council-Manager form, a professional with a wealth of experience managing municipalities is at the helm of the City. He pointed out that with the Council-Mayor form that would not necessarily be the case. He indicated that having a "strong" Mayor also opens the door to the potential for corruption as has been seen in large cities with that form of government.

Regarding the fiscal effect of having West Jordan operated by a Council-Mayor, Mr. Nichols indicated that he had reviewed information on www.utahsright.com, (specifically regarding Salt Lake City, Sandy City and Provo) and learned that the cost of changing to a Council-Mayor form of government would be roughly \$1,000,000 as compared to the current cost of only about \$250,000. He explained that this suggested that a 5% property tax increase would be needed for the City to make such a change.

Council Member Nichols ended his comments by pointing out that if the residents truly want to see this issue placed on a ballot, it makes more sense for them to seek a petition referendum than to have the Council spend the next three months debating the issue when there did not seem to be a widespread interest in it.

Council Member Stoker stated that he contacted approximately 30 local municipalities, of which only nine have a Council-Mayor form of government. He estimated that if this issue were to be placed on the ballot, only 5% of West Jordan's residents would understand the question. He also questioned the idea of placing this issue on the ballot when there have yet to be any public hearings, or open houses on the topic. He suggested that it was premature to vote on this resolution before public hearings had been held and the residents were given the opportunity to weigh in on the issue.

Council Member Stoker stated that he found it interesting to learn that of the 30 cities he contacted, only seven of them split their Council as West Jordan did with some Council Members who represented specific districts and others elected 'at large'. He stated that his research indicated that one reason municipalities tend to avoid splitting between the two types of representation on their Council, was that it tended to create a hierarchy wherein some members felt that they had greater status than other members on the same Council. He felt that West Jordan should have either each Council Members representing

a specific district or every Council Member elected 'at large' rather than splitting between the two.

Council Member Stoker pointed out that there were only two branches of government in the City of West Jordan which made the system of checks and balances all the more important. He suggested that changing our form of government to include a "strong" Mayor would reduce those checks and balances even more. He pointed out that he worked full-time for a public entity with a Council-Mayor form and saw the conflict in such a form-- felt that it provided the opportunity for corruption or for special interests to take over that government. He pointed to the Salt Lake City Mayor who he said spent all of his time on environmental issues rather than on the other needs of his residents because his campaign was funded by environmentalists. Council Member Stoker summarized his remarks by warning against handing over 50% of the City's government to a single individual, saying that he feared that this issue was being pushed by only a handful of people and that the general population does not understand the issue, and should rely on those they elected to make this decision on their behalf.

Council Member Haaga explained that he wanted to provide some background on why he felt this was an important issue for the City. He indicated that there was a previous 'professional' City Manager, who became a millionaire when he left the City's employ because the Council at that time approved a contract that allowed him to take advantage of the City. Mr. Haaga also stated that there *was* considerable interest in this issue—that previously there was a petition with signatures pushing to change the form of government and that the case went to Utah's Supreme Court. Unfortunately the residents could not afford the legal battle so the petition was dropped. Councilmember Haaga also stated his belief that West Jordan residents were intelligent, and to suggest that they were incapable of making a decision on this issue, and that the Council had some special ability to understand it, was offensive.

Finally, Councilmember Haaga indicated that while he agreed there might be some changes that should be made to the Resolution as it was written, there was too much red tape and discussion involved in decision-making. He would like to see the Mayor have the authority of the non-elected City Manager. He pointed out that there had been documented corruption in the City with its current form of government—that the form of government had nothing to do with whether or not a city was vulnerable to corruption. But he expressed the belief that a strong Mayor was in a better position to eliminate some of that corruption, than was the Council-Manager form.

Councilmember McConnehey indicated that while he had no objection to presenting the question to the residents, he *did* object to the timing of the Resolution as there had been no previous discussions on it. Knowing that if an issue was to be placed on the ballot a decision would need to be made by August 5, he felt there was insufficient time for Staff to do the appropriate research. For this reason, Councilmember McConnehey indicated he would be opposed to the motion.

Councilmember Hansen explained that although she felt the residents had the right to choose their form of government, she also felt the Resolution was premature as the Council had not had the opportunity for an in-depth discussion on the matter. She indicated that she was therefore against the motion.

A roll call vote was taken.

Councilmember Haaga	Yes
Councilmember Hansen	No
Councilmember McConnehey	No
Councilmember Nichols	No
Councilmember Southworth	Absent
Councilmember Stoker	No
Mayor Rolfe	Yes

The motion failed 2-4.

APPROVE RESOLUTION 14-132, AMENDING THE FISCAL YEAR 2014-2015 SALARY SCHEDULE

According to the staff report, changes on the salary schedule are a reflection of past decisions of the Council.

The Fleet Manager, Administrative Assistant II in Fleet, Director of Parks, Civil Engineer II, Financial Analyst, Police Technology Specialist, Apprentice Electrician, Civil Litigator, two Water System Operator II, Wastewater Construction Technician III and I, and two Stormwater Operator positions are all full-time "green sheet" positions that were approved as part of the current fiscal year budget.

The part-time Administrative Assistant I position in the City Attorney Department and the part-time Development Technician position are being moved to full-time positions as approved by Council as part of the current fiscal year budget.

The part-time Real Property Agent position in the City Attorney Department was eliminated as part of the process in adding the Civil Litigator position.

The Executive Assistant to the Mayor and Seasonal Laborer in Finance are part-time "green-sheet" positions that were approved as part of the current fiscal year budget.

The Deputy Public Works Director position has been discussed but has yet to be funded.

The four Seasonal Laborers and two Lead Seasonal Laborers were approved in 2013 as part of 'Council Goal #4 – Public Space and Graffiti Abatement' and are now being reflected in the salary schedule.

The wage increase for Seasonal Laborers was approved by Council effective 3/26/14 and is now being reflected in the salary schedule.

The P/T Contract Administrator in Capital Projects was previously approved as a 3/4-time position in the budget and that is reflected in this revision.

In Council Meeting on May 28, 2014, the Mayor and Council approved changing one Administrative Assistant II position, one Administrative Assistant I position and a Community Service Officer position to Police Records Technician positions. Those changes are reflected in this revision.

VIII. REMARKS

Mayor Rolfe stated that when the budget was approved, funds were set aside to address a salary compression issue within specific departments. Staff was then directed to seek a compensation study, and he pointed out that the bids for completing the study were in excess of \$50,000. Mayor Rolfe expressed a desire that the study be completed expeditiously because the compression issue still existed.

IX. ADJOURN

MOTION: Councilmember Nichols moved to adjourn. The motion was seconded by Councilmember Hansen and passed 6-0 in favor.

The meeting adjourned at 7:25 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

KIM V ROLFE
Mayor

ATTEST:

MELANIE BRIGGS, MMC
City Clerk

Approved this 13th day of August 2014